

**U.S. Fish & Wildlife Service**

***Environmental Assessment***

# **Lahontan Valley Land Sales**

***Churchill County, Nevada***



**U.S. Department of the Interior  
Fish and Wildlife Service  
Region 8 - Pacific Southwest Region  
Nevada Realty Field Office**

**May 2010**

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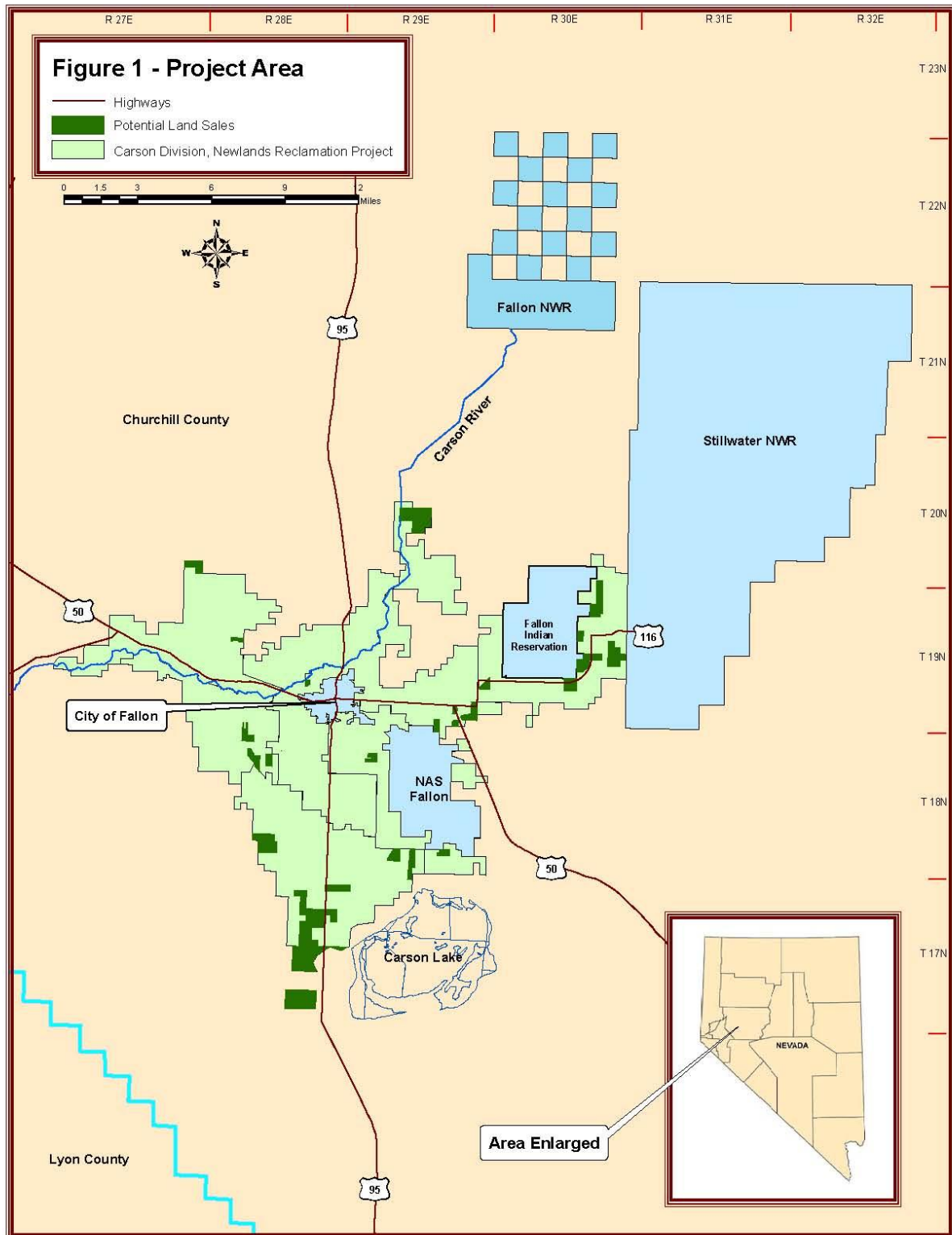
# Introduction

Since 1990, the U.S. Fish and Wildlife Service (Service) has been acquiring water rights for wetlands in Northern Nevada's Lahontan Valley, including wetlands within Stillwater National Wildlife Refuge and Carson Lake and Pasture. The primary acquisition authority from Congress, Public Law 101-618 (see Appendix 3), was analyzed and implemented in the Service's 1996 Final Environmental Impact Statement and Record of Decision "Water Rights Acquisition for Lahontan Valley Wetlands" (WRA EIS and ROD). The Service continues to acquire water rights from willing sellers, and in many cases, land and other real estate is included in the transaction. Not all of the real estate purchased is suitable to keep in the National Wildlife Refuge System.

In 1998, under Public Law 105-277, Congress gave the Service authority to "sell land and interests in land" acquired incidental to its Lahontan Valley water rights purchase program and to use the proceeds to acquire additional water for Lahontan Valley wetlands and for other authorized purposes (see Appendix 4).

In its 2002 Environmental Impact Statement and Record of Decision "Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and Boundary Revision" (CCP EIS), the Service decided to keep and manage acquired lands within the refuge boundary and to sell lands outside the refuge boundary. Consistent with that decision, this environmental assessment is to analyze the effects of land sales outside of Stillwater National Wildlife Refuge (Refuge).





## **1.0 Purpose of the Proposed Action**

The Service proposes to sell lands outside the refuge, both those it has already acquired and those it may acquire in the future. At present, the Service owns 65 parcels with about 5,891 acres of land that would be eligible for sale (See Appendices 1 and 2).

The Service anticipates acquiring a similar number of parcels and acreage during the remainder of its Lahontan Valley water rights purchase program. The total acreage of lands and the exact locations of the properties that will be offered for sale are not fully known. As the existing water rights acquisition program may last for another 15 years or more, the need to sell acquired land is expected to continue for a similar period.

Land sale revenues would be deposited into the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used for additional water rights purchases for Lahontan Valley wetlands, payment of annual operations and maintenance charges for water delivery and other authorized expenditures. These revenues would help offset the need for future federal appropriations to acquire and maintain water rights for Lahontan Valley wetlands.

## **2.0 Need for the Proposed Action**

Once acquired water is transferred to the wetlands, lands outside the refuge have no purpose or use that is consistent with the Service's management goals and objectives in the Lahontan Valley. Even at minimum levels, management and maintenance of these scattered parcels require resources that could otherwise support the refuge itself.

In addition, Congress clearly intended that the value inherent in these properties be recaptured for the Service's Lahontan Valley wetlands program.

In the WRA ROD, the Service committed to developing a land sales program that would help mitigate certain impacts of its original water purchases. The Service stated: "...the Service will attempt to dispose of lands in a manner that will help mitigate impacts to farmlands, groundwater and [Newlands Reclamation Project] efficiency by consolidating farming and other subsequent land uses in a manner that makes best utilization of the existing land base and associated infrastructure." Returning these lands to private ownership and local control would offer opportunities consistent with this commitment.



### **3.0 Scoping and Public Participation**

The Service has prepared this document to evaluate the consequences and potential impacts of developing a program to sell acquired lands and interests in lands outside of Stillwater National Wildlife Refuge. Based on this Environmental Assessment (EA), the Service anticipates making a Finding of No Significant Impact (FONSI) to comply with provisions of the National Environmental Policy Act (NEPA). The Service would then implement the proposed land sales program.

The Service has met with local, state, federal and tribal government agencies, real estate agents and other potentially affected parties. The Service has developed a mailing list of businesses and individuals and provided occasional updates about the land sales proposal. Public meetings have been held and the Service has received favorable local media coverage about the program. During the scoping and public participation phase for this EA, there were no significant effects to the human environment identified or public controversy that would have required the preparation of an Environmental Impact Statement (EIS).

## **4.0 Alternatives Including the Proposed Action**

### **4.1 No Action**

The Service would retain ownership of properties acquired incidental to its water rights acquisition program. While the Service occasionally leases a few acquired tracts to local farmers who use their own irrigation water to continue farm operations, the acquired properties would generally remain vacant and unused.

### **4.2 Proposed Action**

The Service proposes to sell lands and interest in lands acquired incidental to its water rights acquisition program for Lahontan Valley wetlands. The Service may employ several strategies to sell these lands. The Service's goal would be to maximize benefits to its Lahontan Valley water rights acquisition program, which is not necessarily the same as receiving the highest price.

The Service's proposed action would be a continuous program that parallels its water rights acquisition program. The initial inventory of land owned by the Service includes about 5,930 acres of land in 43 tracts within Churchill County, Nevada. The smallest tract of land is 20 acres and the largest tract is 1,405 acres. There are 14 with improvements. The Service anticipates that, in most cases, residences, buildings and other improvements will be left in place and sold with the land to enhance marketability and maximize sales price.

The current inventory, acquired during almost 20 years of water rights acquisitions is expected to be representative of lands that would be sold in the future in terms of size and character.

The Service could employ several methods for the sale of lands identified under this alternative. Methods of sale may include:

#### **Competitive Public Sale – by sealed bid auction**

In this method, upcoming sales would be advertised regionally to solicit written, sealed bids from the public, with minimum bids established for each property. Bids would be opened publicly and the sale awarded to the highest cash bidder. The successful bidder would be required to make a non-refundable deposit at the time of sale. Failure to make the deposit or to complete the transaction by the successful bidder would result in the next highest bidder being awarded the sale.

### **Competitive Public Sale – by voice auction**

Some properties could be sold by public voice auction. In this scenario, minimum bids would be established prior to the auction and the highest cash bidder would be awarded the sale. As in the sealed bid sale, a non-refundable deposit -would be required at the time of sale. Failure by the successful bidder to pay the deposit or complete the transaction would result in the property being offered for sale again.

### **Non-Competitive sales to federal, state, local or tribal governments**

Under other federal land disposal authorities, preference may be given to federal, state, local or tribal governments, including the opportunity for no-cost or bargain-price land transfers. In this case, the Service has no authority except to sell lands or interests in lands, and no directive to give preference to any entity. In some cases, however, it may be in the best interest of the Service to consider direct sales to government agencies, so long as the Service receives the appraised market value for the property sold.

### **Non-Competitive sales to persons or entities who offer water rights to the Service**

This sales method would create opportunities for the Service to obtain water rights rather than cash. In this scenario, the Service would agree to sell land at appraised market value while simultaneously purchasing water rights or water-righted land from the same person or entity at appraised value. Demand for certain parcels in the Service's inventory may motivate some buyers to offer water rights that would not otherwise be available for purchase by the Service.

The Service will request appraisals of the lands or interests in land from the Department of the Interior's Appraisal Services Directorate to determine current market value prior to sale. The market values will be considered in setting the minimum prices acceptable under all methods of sale.

All methods of sale would comply with applicable federal guidelines for equal opportunity and would not discriminate with regard to race, ethnic origins, location, or religion. To avoid the appearance of conflict, Service employees and any other federal employee or contractor that has access to pre-sale information or participates in decisions about land sales would be ineligible to bid for or purchase sale properties.

The Service understands that it must be careful not to disrupt regional land values by putting too many parcels up for sale at one time. It may take three to five years to sell the inventory on hand. Through an internal planning process, the Service will determine when to hold a land sale, how many parcels to sell, which parcels to sell and which sales methods to choose, based on an evaluation of local real estate market conditions and general economic factors.

### **4.3 Other Alternative Considered**

The General Services Administration (GSA) normally disposes of excess or surplus federal property under the authority of the Federal Property and Administrative Services Act of 1949. Generally, federal agencies must work through GSA on land sales because they have no authority to sell government-owned property on their own. Land sale proceeds are usually returned to the U.S. Treasury for general use by the federal government.

We are not considering or evaluating this alternative because the Service is specifically authorized under Public Law 105-277 to sell land and interest in lands acquired incidental to its Lahontan Valley water rights acquisition program. Further, Congress directed that the sales proceeds be used for additional water purchases by the Service in the Lahontan Valley and other authorized purposes. The sale lands are therefore neither excess to the Service's needs nor surplus to the government. While the Service could ask GSA to assist in the proposed action, it is not required to do so. The Service has Realty staff stationed in Fallon, Nevada, with the necessary experience and skills to implement the proposed land sales program.

## **5.0 Affected Environment**

The resources that could be affected by the proposed action are described in this section. The existing conditions or the current state of those natural and human resources provide the basis of impact analyses for the No Action and Proposed Action alternatives.

Since the Proposed Action is essentially a byproduct of the Service's water rights acquisition program, the descriptions and evaluations of the natural and human resources contained in Chapter 3, Affected Environment, of the Service's WRA EIS, provide a comprehensive assessment of the existing conditions. The conditions anticipated under Alternative 5, Preferred Alternative, in Chapter 4, Environmental Consequences, best describe the affected environment for the project areas in this document. The Service has tiered its discussion of the affected environment in this EA from the WRA EIS. The WRA EIS is on file at Stillwater National Wildlife Refuge Complex Headquarters, Fallon, Nevada. Both the WRA EIS and ROD are incorporated by reference into this EA in their entirety.

Descriptions of the affected environment presented in the WRA EIS (Chapter 3, Affected Environment) continue to be representative of the geographic area related to the Proposed Action. For those resources where information that is more current is available, the current information will be used.

### **5.1 Natural and Physical Resources**

#### **5.1.1. Geographic Area**

The descriptions of the Lahontan Valley area in the WRA EIS define the geographic area that is affected under the Proposed Action and No Action Alternatives.

#### **5.1.2. Newlands Reclamation Project and Operating Criteria and Procedures**

The Newlands Reclamation Project (Newlands Project) is a federally funded and constructed irrigation project operated under contract by the Truckee-Carson Irrigation District (TCID). Operationally it is divided into two separate divisions. The Carson Division of the Newlands Project is the largest division in terms of irrigated acreage, water deliveries, and physical improvements. The smaller Truckee Division supplies irrigation water diverted directly from the Truckee River, whereas the Carson Division supply is co-mingled water from the Carson River and the Truckee River. Because no Lahontan Valley wetland water rights acquisitions have involved water-righted lands within the Truckee Division, no properties involved in the sale plan are within the Truckee Division of the Newlands Project.

The Newlands Project will continue to operate pursuant to the conditions, criteria, and procedures implemented by the Bureau of Reclamation's (Reclamation) Operating Criteria and Procedures (OCAP) (43CFR Part 418).

### **5.1.3. Water Resources**

Water resources include surface-water, ground water and domestic supply. The existing conditions for those water resources are described in detail in the WRA EIS and would be applicable to the Proposed Action and No Action alternatives.

None of the parcels to be sold would include surface water rights. In a few instances, ground water rights may have been acquired by the Service as part of a larger purchase. Ground water that is defined by permits from the Nevada State Engineer has economic value to the extent it can be transferred and used within the defined ground water basin (Carson Desert Basin 101). Ground water rights can be sold separately or together with the associated land. Domestic wells do not require a state permit, and are not currently an interest that can be conveyed. Existing domestic wells on sale properties have been left in place and will be sold with the land.

### **5.1.4. Erosion and Weeds**

Wind is the primary cause of soil erosion in the project area and is believed to be the principal source of dust in Lahontan Valley. Vegetative cover and crop residue are the most important factors in controlling wind erosion and dust. The native or natural desert vegetative communities in Churchill County can be characterized as having slight to moderate vegetative cover. The properties to be sold have varying vegetative cover. Some properties that were considered as having little or no vegetative cover have been re-seeded with a suitable cover or left fallow. With few exceptions, they are generally no longer farmed, and therefore do not have the dense cover associated with agricultural lands, which predominate the project area landscape.

Generally the vegetation on the majority of properties to be sold is scattered residual alfalfa or pasture grasses, with some invasive plants, and vegetative litter. Cultivated lands surrounding many of the parcels to be disposed of have dense agricultural cover, most commonly alfalfa. Over time, if the surface soils of the properties are not disturbed, native species should re-establish themselves (USFWS, 1996).

Few of the current sale properties show evidence of significant wind erosion. A few of these properties have been recently farmed under temporary permits and have some remaining agricultural crop cover.

Invasive plant species, generally referred to as weeds, occur on the properties to be disposed of. The most common weeds in the project area are Russian thistle, Russian knapweed, gumweed, kochia, perennial pepper weed (tall whitetop), salt cedar (tamarisk) and hoary cress (whitetop). Russian knapweed, salt cedar, perennial pepperweed and hoary cress are listed as noxious species for Nevada (NRS 555.010). Customary weed-control measures include burning, livestock grazing, cultivating, spraying with chemicals, or planting other species (re-vegetation). TCID and most local farmers take steps each year to control weeds, usually through seasonal burning along canals, ditches and field margins. Where necessary, the Service has taken actions to control invasive plant species on acquired parcels by spot treatment with herbicides, burning or livestock grazing.

#### **5.1.5. Air Quality**

The Clean Air Act (42 U.S.C. 7401–7626) established standards for air quality and the authority of the U.S. Environmental Protection Agency (EPA) to enforce standards. In Nevada, the Nevada Department of Environmental Protection (NDEP) has the delegated authority to enforce both federal and state air-quality standards. Pollutants addressed by NDEP air-quality standards are nitrogen dioxide, total suspended particulates (TSP), inhalable particles (PM10), sulfur dioxide, ozone, carbon monoxide, lead, and hydrogen sulfide. The project area and Churchill County are designated as attainment areas for all air pollutants.

Dust, largely from surrounding natural playas, is a concern in the project area and has been shown to account for about 89 percent of the TSP in Churchill County (USFWS, 1996). In December 1991, Nevada adopted PM10 as the ambient standard for suspended particulate matter, replacing TSP counts. Dust is considered to be a local problem but does not violate or exceed air-pollution standards.

#### **5.1.6. Vegetation**

Within the project area there are four major vegetative communities, wetlands, riparian, agricultural, and desert shrub. The WRA EIS identifies the vegetative species within the four communities. The properties to be sold have generally been used for agricultural purposes and are classified as agricultural vegetative community. As these properties are revegetated or undergo natural succession, the vegetation will likely revert to the native desert shrub community but, because of their isolated and non-contiguous nature, may never be mapped or identified with that larger plant community. None of the properties to be sold support wetland vegetative communities, but a small percentage of the parcels do contain riparian and/or desert shrub communities.

Agricultural vegetation generally represents monoculture (single-species) blocks. Within the project area where properties are to be sold there are about 55,000 to 60,000 acres of irrigated farmland that sustain agricultural vegetation. As the water rights acquisition program is further implemented, irrigated acreage may be reduced to approximately 40,000 acres of agricultural vegetation.



### **5.1.7. Wildlife**

The project area has abundant and diverse wildlife. The Lahontan Valley wetlands have historically provided habitat for large numbers of migratory waterfowl, shorebirds, colony nesting and marsh birds. The riparian areas along the Carson River and other water-conveyance facilities within the project area provide habitat for raptors, turkeys, and passerine birds, while the agricultural areas and desert shrub provide habitat for other bird species including quail, pheasants, and chukars.

Mammals primarily inhabit the riparian, agricultural, and desert shrub communities within the project area. A high percentage of the local mammal species are rodents, but larger species such as mule deer, bobcats, mountain lions, raccoons, and rabbits are found throughout the project area. Wetland and riparian corridors are home to beavers, muskrats, and skunks, while bats roost in the foothill areas and riparian corridors and forage over wetlands and agricultural lands. Reptiles and amphibians are found in the project area, but survey data on these species is very limited. Generally reptiles would be found on the lands to be disposed of and few amphibians are expected to inhabit these sparsely vegetated and dry parcels.

The WRA EIS includes a detailed description of wildlife species found in the project area. Wildlife species associated with the properties to be sold of are primarily rodents. While there is a potential for any or all of the wildlife species identified to occur on these properties, the lands would not be considered prime wildlife habitat. Pocket gophers are a common pest to alfalfa growers in the area (Lewis, 1989) and are most likely present on the properties to be sold. Nevada Cooperative Extension has indicated that pocket gophers pose a big pest-control problem for landowners in the project area (USFWS, 1996).

### **5.1.8. Endangered Species**

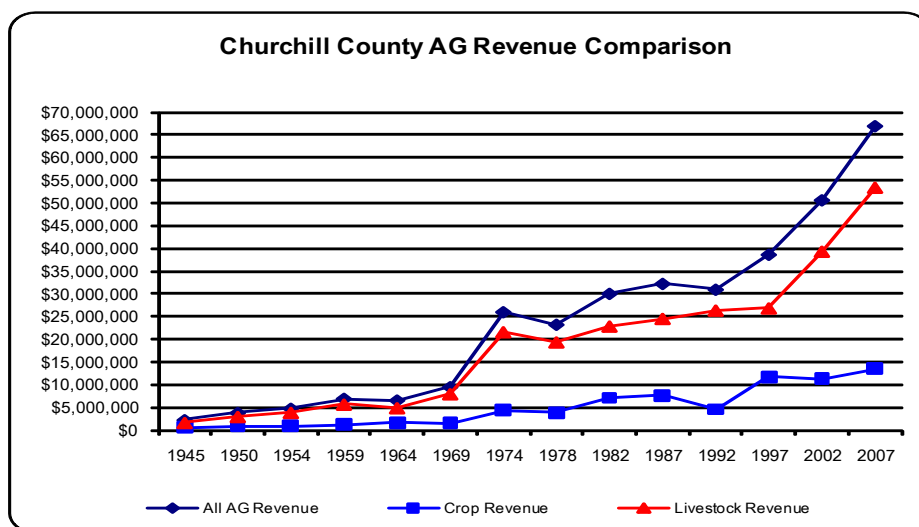
There are no known federally-listed or endangered species within the affected area.

## **5.2. Socioeconomic Resources**

Historically, farming, ranching and livestock production have dominated the social and economic resources in the area. Rapid population growth and increased commercial and military development have caused Churchill County to experience major changes over the past decade. These factors, coupled with the acquisition of irrigated farmland for Lahontan Valley wetlands, have created a community in transition from rural/agricultural to suburban and service-oriented.

### **5.2.1. Agricultural Products and Receipts**

According to data published by the United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), Census of Agriculture, total revenue generated from the sale of livestock has been in the forefront of all agricultural products sold within Churchill County since 1945.



Graph 1 (USDA, NASS, Census of Agriculture)

In 2007, revenue generated from the sale of all agricultural products within Churchill County was \$66,921,000; this was up 32% from the previous census conducted in 2002. Revenue generated from the sale of livestock, the largest component of which is milk and other dairy products from cows, accounted for approximately eighty percent (\$53,425,000), with the revenue generated from crop production contributing twenty percent (\$13,496,000) of the market value of agricultural products for the county.

Currently, the sale properties do not materially contribute to the agricultural economic activity of Churchill County. In a few cases, lands have been leased for cultivation or pasturing under temporary permits, but there are no plans to consider long-term farm leases.

### 5.2.2. Income and Employment

According to the U.S. Department of Commerce (2007), employment in Churchill County is highest in the service industries (31.79 percent), retail trade (8.94 percent) and government (13.37 percent). According to U.S. Department of Commerce (2007) there were 21,762 people employed in Churchill County in non-farming jobs. The Naval Air Station (NAS Fallon) southeast of the City of Fallon has grown substantially over the past decade and is the major governmental employer in Churchill County. Agriculture has historically been perceived to be the major employer in Churchill County; however, full-time employment or part-time employment directly tied to agricultural production is relatively low compared with other employment sectors. Based on U.S. Department of Commerce figures for 2007, the latest figures available at publication date, approximately 650 jobs in Churchill County were classified as agricultural which is about 2.90 percent of all employment in the county (U.S. Department of Commerce).

The properties to be sold historically supported agricultural activity and contributed to agricultural employment; however, the initial acquisition of these lands by the Service has already affected agricultural employment, an impact which was considered and analyzed in the Service's WRA EIS. While some land sales may result in re-establishment of agricultural activities by new owners, it is unlikely there would be a meaningful impact on agricultural employment.

According to the Bureau of Economic Analysis data in 1990, Churchill County had a per capita personal income of \$36,806, was ranked ninth in the state and was 92 percent of the state average and 103 percent of the national average. In 2000, Churchill County had a per capita personal income of \$25,068 (increase of 62 percent) was ranked seventh in the state and was 82 percent of the state average and 84 percent of the national average.

Data from the 2007 U. S. Census Bureau (1999) indicates the median household income was \$48,810 per year in Churchill County, somewhat less than the statewide average of \$54,996. The data also indicated that there were 10.7 percent of the households in Churchill County that were classified as having annual household incomes in the poverty level, slightly more than the statewide average of 10.6 percent.

The two biggest contributors of personal income in the county were the service industry (33 percent) and the government and government enterprises industry (22 percent). The farm industry and finance, insurance and real estate industry both were reported as having 3 percent of the total personal income in 2007 (Bureau of Economics Analysis).

To compare personal income generated for other Churchill County employment classifications Table 1 depicts those figures for 2000 compared to 2007 based on U.S. Department of Commerce information.

Table 1. Total Personal Income for Churchill County (in millions)

Year	Total Personal Income	Farm Earnings	Construction	Manufacturing	Trades	Services
2000	\$601	\$9	\$37	\$24	\$45	\$105
2007	\$912	\$16	\$39	\$27	\$63	\$121

Source: U.S. Department of Commerce, Bureau of Economic Analysis

The WRA EIS referred to an agricultural analysis completed by the Nevada Division of Water Planning (1992) that indicated non-farm income of farmers with property between 100 and 140 acres was 44 percent salaried labor and 50 percent from investments. The remaining 6 percent was income derived from agricultural production. Many of the properties to be sold were farms in this size range, suggesting that previous agricultural employment and income from the farm parcels acquired by the Service was limited.

### **5.2.3. Farmlands and Prime Farmland**

Churchill County has defined approximately 201,752 acres in Lahontan Valley as agricultural. The county has further divided these agricultural lands into four land use types (1), cultivated lands which consists of approximately 30,568 acres, (2) pasture lands consisting of approximately 8,776 acres, (3) grazing lands which consists of approximately 160,308 acres and (4) meadow lands which currently have no acreage assigned. County assessor records also indicate that of these 201,752 acres of deferred agricultural lands approximately 39,877 acres have appurtenant water rights (19.8 percent).

The U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) categorizes all irrigated farmland in Churchill County as either prime farmland or farmland of statewide importance under the Farmland Protection Policy Act (FPPA). The approximate location of those lands considered to be prime farmland are depicted on Figure 3.16.A in the WRA EIS. Based on data from Reclamation, there are approximately 30,900 acres of prime farmland in the Carson Division of the Newlands Project.

The Service's implementation of its water rights acquisition program resulted in impacts to prime farmlands and farmlands of statewide importance. The transfer of irrigation water rights from these farmlands removed them from the prime farmland or farmland of statewide importance classifications. None of the lands to be sold are considered, under existing conditions, to be either prime farmlands or farmlands of statewide importance. The exception to this would be those few parcels that are being irrigated and farmed under temporary lease agreements.

Returning lands to the private sector could offer opportunities for some fields to be re-irrigated and for some agricultural production to resume.

### **5.2.4. Recreation**

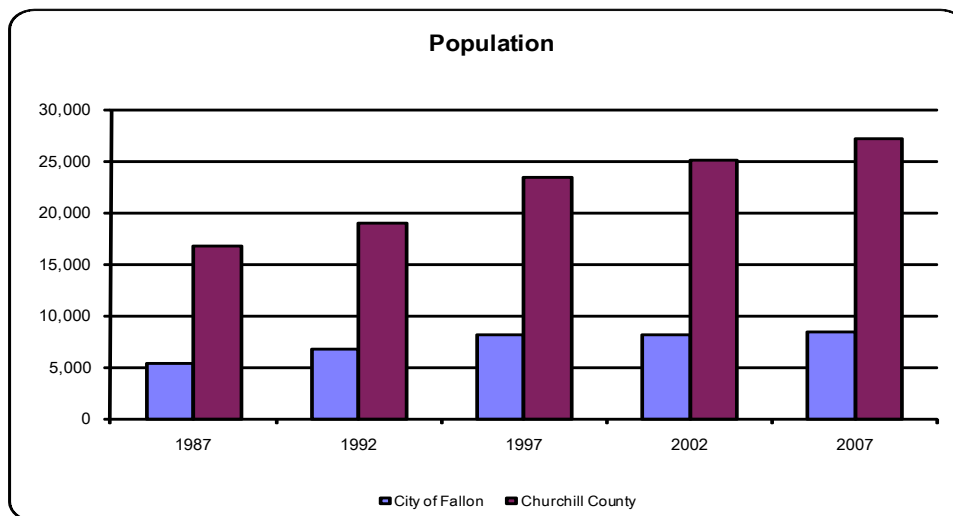
The lands to be sold offer no recreational facilities and are not open to the public. Most of the properties to be sold are fenced and gated.

### **5.2.5. Population Characteristics**

The State Demographer reports that Nevada has been the fastest growing state in the country for 20 of the last 21 years. U.S. Census Bureau figures confirm the state's population has increased approximately 240 percent from 1988 to 2008.

Churchill County's population increased 61 percent between 1987 and 2007. The county's population was 27,190 in 2007 with 8,452 living within the City of Fallon. According to the Nevada Office of the State Demographer's 2008 forecasts, county population growth is expected to increase by another 19 percent between 2007 and 2028.

It is expected that the rural setting, climate, low crime rate, and expansion of both industrial and government facilities will continue to attract people to the area, albeit at a lower annual percentage rate than during previous decades, due primarily to the nation-wide slowdown of residential construction, the uncertainty of the housing market and increased transportation costs.



Graph 3 (Nevada State Demographer)

#### 5.2.6. Land Use

The 1990 Churchill County Master Plan was prepared according to Nevada Revised Statutes (NRS) Section 278.150, and provides a long-term general plan for the development of Churchill County. This plan addresses a 20-year planning horizon, and was updated in 1994 and again in 2002. These changes were made due to issues in water supply, growth, government regulations and the 2000 Census.

In this document, “land use” refers to the types of use (i.e., farming, commercial, industrial, residential, public, or recreation) that occur, or are allowed on, lands within Churchill County. Often land uses can be directed to conform to or be regulated by zoning at the county or city level. In Churchill County, land use planning is defined by goals for a few uses, but often requires the Planning Commission or the County Commission to interpret the 1990 Master Plan specific applications and development requests.

In 2005, Churchill County developed and adopted the Churchill County Consolidated Development Code. This code consolidated Title 16 (Subdivisions), Title 17 (Zoning) and Title 18 (Parcel Maps) of the existing County Code. The goal of this new code is to allow for an improved, streamline approach to land use and development in Churchill County. The County Consolidated Development Code defines nine different land use zoning districts within the county.

Residential development as defined by new single-family building permits and the creation of residential parcels has been steadily increasing for the past 15 years, according to the Churchill County Assessor's records. There has also been a steady increase in commercial and industrial parcels. A land use study conducted by Mary Reid and Kevin Kesler of the University of Nevada - Reno Cooperative Extension Office in 1995 confirmed these changes in land use for Churchill County.

The Churchill County Assessor's Office separates lands into agricultural and non-agricultural for tax purposes. Non-agricultural lands are further classified as vacant (parcels with minor or no improvements), residential, commercial, industrial, and mining. The properties to be sold under the proposed action are no longer irrigated and could be characterized as vacant or residential under the non-agricultural heading or as pastureland for agricultural lands. Since these properties are in federal ownership, the county assessor's office does not classify these lands for the purposes of tax assessment.

#### **5.2.7. Land Values**

In general, land values have appreciated steadily in Lahontan Valley through 2005, with a leveling-off in 2006 and slight decline through the present day. Sales data compiled by the Service show the values of vacant, non-irrigated lands may vary greatly depending upon parcel size, location and development potential.

#### **5.2.8. Property Taxes and Refuge Revenue Sharing Payments**

The properties to be sold are not subject to local or state property tax assessment or collection under existing conditions. Federal properties held by the Service generate revenue-sharing payments under the Refuge Revenue Sharing Act. The amounts paid per parcel are based on a formula set forth in that Act. Calculations used to determine revenue-sharing payments are covered in Section 3.25 of the WRA EIS. Under current conditions, the Service paid Churchill County approximately \$26,508 in 2008 under the Refuge Revenue Sharing Act for all of the acquired properties in Churchill County.

It is difficult to compare refuge revenue sharing payments to the property taxes that may be generated after the lands return to the private sector. If sale lands return to agricultural use, Nevada state statutes provide substantial property-tax reductions. In that case, it's possible the property taxes collected could be less than refuge revenue sharing payments. If the sale lands are used for residences or other development, the property taxes generated are likely to substantially exceed current refuge revenue sharing payments; however, without knowing the type of future development, it cannot be determined to what extent property taxes collected could increase.

### **5.2.9. Municipal and Community Services**

The primary and most visible municipal service provided to property owners in Churchill County is police protection. There are several entities that provide police protection and they include, but are not limited to, the City of Fallon, Churchill County, Fallon Paiute-Shoshone Tribe, and the Nevada Highway Patrol.

The residents of Churchill County, including the City of Fallon, rely on volunteer fire protection. There are three full-time fire personnel in addition to the 40 or more volunteers working out of the Fallon station. NAS Fallon has base firefighting capabilities and does work with the Fallon Volunteer Fire Department under a mutual aid agreement. The insurance rating (Insurance Service Office (ISO)) for unincorporated areas outside of the City of Fallon, but within 5 miles of the fire station, are rated Class 6, and those areas beyond the 5-mile limit are Class 8B. The higher the numerical rating, the lower the protection level as determined by the ISO. The vast majority of the properties to be sold are in the area beyond the 5-mile radius from the fire station, but some properties may be within the Class 6 area because they are nearer to the City of Fallon.

There is currently no municipal- or community-owned water or sewer services associated with the properties to be sold; however, Churchill County has begun to construct both water and effluent treatment facilities, generally west of Fallon near the Highway 50 corridor, to serve present and future residential development. Potential development for most of the sale properties would rely on domestic wells for drinking water and septic systems for sewage treatment. Few of the properties to be sold would have functional water or sewer facilities at the time of sale. The reliability and quality of the drinking water supply and sewage treatment would vary depending on the physical characteristics of the properties, the location within Lahontan Valley, and the types of facilities constructed. It is anticipated that all the properties to be sold would have the potential for development of a domestic water supply and be of sufficient size to allow construction of a septic system.

Churchill County School District would provide educational services for residents that may purchase the properties to be sold. Many of the rural locations in the county have bus service, but depending on the location of the specific property to be sold, the distance to a bus stop or a school varies.

### **5.2.10. Social Values**

Churchill County has traditionally been supported by farming, livestock operations, dairies, and family-owned farms or businesses. Over the past 20 years the community has undergone changes as a result of population growth, expansion of NAS Fallon operations and facilities, and increased residential development. These changes have altered the community environment and attitudes toward agriculture. There has been a shift in the character of the community from that of rural agrarian to rural suburban. The City of Fallon still maintains many of the small-town features associated with Nevada communities of its size and could best be described as a rural community.



Social values are the values that a community or a group of people hold as their own. Studies conducted in 1993 in response to citizen concerns about water issues and the Services acquisition plans resulted in a report on the values of the community. The references and details of that report are contained in the community values section (Section 3.23) of the WRA EIS. In general, the report showed that the community valued its heritage, its rural environment with readily available hunting and fishing opportunities, and its low crime rate. The Service believes these values remain representative of the people of the area.

#### **5.2.11. Indian Trust Assets**

Indian Trust assets are legal interests in property held in trust by the United States for Indian tribes or individuals. The Fallon Indian Reservation is the center of the Fallon Paiute-Shoshone Tribe (FPST). The reservation consists of about 8,180 acres of individual allotments and tribal trust lands in Churchill County. Trust assets of the FPST include land and water rights.

Title I of Public Law 101-618, the Fallon Paiute-Shoshone Indian Tribe Water Rights Settlement Act of 1990, permits the tribe to acquire up to approximately 2,400 acres of additional land and approximately 8,450 acre-feet of additional water rights to be used for irrigation, fish and wildlife, municipal and industrial, recreation, water quality, and other beneficial uses.

The FPST is developing approximately 300 - 400 acres of wetland habitat within the reservation. The Service, under a cooperative agreement, acted as agent for the Bureau of Indian Affairs (BIA) in acquiring 1,200 acre-feet of Newlands Project water rights for tribal wetlands. About 590 acres of land acquired incidental to those wetlands water purchases are anticipated to be transferred to the FPST and may be returned to agricultural use.

#### **5.2.12. Cultural Resources**

There are prehistoric and historic cultural resources throughout much of Churchill County. Most of the prehistoric cultural resources are associated with human occupation of riparian and wetland areas. Historic cultural resources are related to the early Euro-American settlers who settled, farmed, ranched, mined, and traveled through the area.

The earliest evidence of man in Lahontan Valley dates back to a period between 11,000 and 8,000 years ago (Elston, 1986), based upon evidence found at sites along the shoreline of ancient Lake Lahontan. Intensive use of the Lahontan Valley began around 3,300 years ago, with most of the human occupation centered around the wetland areas (Fowler, 1992). Studies and early explorers describe two groups of Native people. One group lived around Carson Lake and the other in the Stillwater marshes. These early inhabitants may or may not be related to the most recent Cattail-Eater Paiute people who lived at Stillwater marshes and Carson Lake until the late 1800s.

These Native peoples were attracted to the abundant and diverse resources of the marsh areas. They ate seeds, plants, fish, mammals, waterfowl, and waterfowl eggs from the marshes, as well as utilized the marsh plants (such as bulrush and cattails) for nets, baskets, boats, and houses (Fowler, 1992). The arrival of settlers to the Lahontan Valley in the 1850s and 1860s displaced these Native people from their traditional areas of occupation.

The National Register of Historic Places lists a number of sites for Churchill County, including the old Churchill County Courthouse, the Lahontan Dam Power Station, the Carson River Diversion Dam, Harmon School and Oats Park Grammar School in Fallon (Kastens, oral communication, 1994). The archeological sites at Grimes Point, Stillwater Marsh, and Humboldt Cave are also included on the National Register of Historic Places. There are several old Pony Express stops or stations in Churchill County that are of historical importance. Additionally, many of the original Project canals, ditches, and drains have been nominated for eligibility for listing on the National Register of Historic Places, because of their age and ties to the irrigation project.

Other artifacts and the remains of early settlement and farming in Churchill County are documented or on display at the Churchill County Museum and other museums around the state. Some of the old buildings, farm equipment, and other remnants of the past may have historic connections, but the importance of preserving or collecting such resources is not fully known at this time.

## **6.0 Environmental Consequences**

This section identifies and evaluates the consequences and potential impacts of the Service's Proposed Action and the No Action alternatives. These evaluations and environmental impact assessments of the alternatives are made based on the existing conditions described or referenced in the preceding section.

Environmental consequences can be direct and indirect impacts (both positive and negative) that would result from the two alternatives. Direct impacts are those impacts caused by the action that occur at the same time or the same location. Indirect impacts are those impacts caused by the action that occur at a later time or at a different location.

There are no known significant effects on the human environment, with no foreseeable cumulative impacts from the proposed action when combined with past actions and any known current or reasonably foreseeable future actions.

### **6.1. Natural and Physical Resources**

#### **6.1.1. Geographic Area**

Neither action would affect the geographic area. Both the Proposed Action and No Action alternatives would be confined to the same area and neither would alter or change the physical characterization of the area.

#### **6.1.2. Newlands Reclamation Project and Operating Criteria and Procedures**

##### **A. No Action**

Under this alternative, the acquisition of water rights from farmlands and transfer to the Lahontan Valley wetlands is an existing condition analyzed under the Service's WRA EIS. There would be no additional changes or impacts to the operations and efficiency of the Newlands Project if the Service did not sell some of the properties acquired incidental to the acquisition of water rights for wetlands. These lands would continue to be federal property and, for the most part, would remain vacant and un-irrigated.

The Service may continue to allow local farmers to use some of the lands for agricultural purposes, provided they bring their own irrigation water. Such irrigation demand and delivery to these lands would not be permanent, and it could be limited or discontinued at any time depending upon availability of irrigation water and the Service's ability or willingness to manage temporary-use permits.

## **B. Proposed Action**

Under this alternative, the potential exists for lands involved to return to agricultural use. Since the lands would be in private ownership, it would be possible for the new owners to transfer eligible Newlands Project water rights from other properties within the Carson Division. The consequences of transferring water back onto a property that was formerly irrigated are not fully known at this time. Depending upon the locations within the irrigation district, irrigation-delivery efficiency could be either positively or adversely affected. Whether the Proposed Action would have impacts on Project operations would be dependent upon many factors, including the relative location of the property to be irrigated, proximity to major delivery canals and the distance from Lahontan Dam.

The magnitude of such impacts is not known, but the potential of the sale properties to return to agricultural use is considered to be relatively small. In many cases, the previous owners were not making an economic return from agricultural use due to small farm size, soil type, cost of water delivery or other factors. It is unlikely that purchasers would return most sale lands to agricultural use.

The Service believes, however, that there is a demand for parcels in the 10- to 20- acre size with small water rights. Parcels of this size are desirable as residential properties that, with a few acres of irrigation water, could support horses or small numbers of livestock. These “hobby farms” have become more prevalent in Churchill County (Grimes, personal communication, 2009). It is possible that purchasers could parcel or subdivide the Service’s sale tracts and transfer several acres of water rights back onto the properties so they could be marketed and sold as hobby farms. This scenario has a small potential to affect project operations and efficiency, but the indirect nature of such impacts make it difficult for the Service to predict their magnitude or frequency.

The majority of the properties to be sold are not expected to go back into irrigation at all; therefore, no measurable impacts to Newlands Project operations and irrigation delivery efficiency are anticipated.

In rare cases, there may be a tract owned by the Service at the end of an irrigation lateral or in an area where permanent retirement from irrigation could improve project operations or efficiency. After consultation with Reclamation, the project operator, Churchill County and others, in those few instances the Service may impose deed restrictions prior to sale to prevent re-irrigation.

### **6.1.3. Water Resources**

#### **A. No Action**

Under this alternative, the existing conditions on the properties would continue and there would be no demand for water on the properties. Existing domestic wells would most likely go unused.

## **B. Proposed Action**

The sale of these properties will likely result in subsequent uses that require water. Surface water could be returned to the sale lands for agricultural use. For individual residences, existing domestic wells could be put back into use, rehabilitated or replaced. Other development might be served by individual domestic wells, or in some areas, by new community or county-owned water systems that rely on both ground and surface water resources. Such development approvals would be subject to review and approval by state and local government. It is assumed that development which could adversely impact water resources within the project area would be denied.

It is not anticipated that the Service's land sales would have a measurable effect on water resources.

### **6.1.4. Erosion and Weeds**

#### **A. No Action**

Under this alternative, the properties would continue to revegetate through natural-succession processes. While this may take several years, the process will ultimately reduce wind-erosion potential. These properties would continue to sustain weeds, a potential adverse impact to adjacent property owners. The Service would continue to take actions such as burning, spraying, or revegetation to help control weeds, but the extent and frequency of such actions are not known and would be dependent upon the availability of resources and funding.

#### **B. Proposed Action**

Sale of the properties may result in a change in vegetative cover. The properties would most likely be developed in a manner that could include residential, commercial, or agricultural uses. Such uses may reduce the potential for wind erosion and the invasion of weeds and other pests because of the development of structures, roads, landscaping, and impervious surfaces.

In a few cases, the ultimate land use of these parcels may be some type of activity (i.e., construction-equipment storage, feedlot, material storage, or gravel operations) that could disturb the ground surface and increase soil erosion. Disturbance of the soils and removal of existing vegetation would increase erosion and promote the invasion of weeds and other pest species.

Whether the sale of these properties has an effect on erosion, weeds and pests depends upon the new uses that may occur on the properties. Because local zoning and land use regulations exist to control erosion and weeds, the Service does not anticipate any future uses would be permitted to cause negative effects.

### **6.1.5. Air Quality**

#### **A. No Action**

Under this alternative the properties to be sold would remain in their current condition. Few of the properties to be sold of have been identified as being a significant dust hazard. As natural succession continues – the land surface would be naturally re-vegetated and the potential for dust would be minimized.

The Service would continue to revegetate and restore native vegetative communities on these properties, as needed, but the annual extent and progress of such restoration efforts is not known and would be dependent upon the availability of resources and funding. The properties would not be expected to contribute to increases in other air pollutants in Churchill County.

#### **B. Proposed Action**

The sale of these properties to private individuals or other entities would potentially involve more intensive development or use of the lands. Residential use, which the Service believes will be a common change of use for many of the properties sold, would most likely help to reduce dust because of the landscaping and creation of impervious surfaces. Residential trash burning, a common practice in Churchill County, could increase; however, increased trash burning is not anticipated to be a major concern in Churchill County. In situations where the properties are developed for industrial use or other intensive development, there is a greater potential for air-quality impacts. Uses such as manufacturing could involve the burning of carbon fuels that would increase pollutants in Churchill County. In addition uses such as gravel mining and materials storage would have the potential to increase dust and particulates emissions.

Industrial uses that would create emissions would come under the regulatory control of the Nevada Air Quality Board, local government and the U.S. Environmental Protection Agency (EPA). Because of the requirements of these agencies to prevent air-quality impacts, the emissions that may be associated with the potential changes in use on these properties are anticipated to be minor or mitigated to acceptable levels.

### **6.1.6. Vegetation**

#### **A. No Action**

The vegetative communities and existing conditions would not change. Properties to be disposed of would continue to undergo natural succession and most likely over time would return to desert shrub communities. Revegetation efforts by the Service could expedite this succession from cultivated farmland to desert shrub, but ultimately, if left undisturbed and vacant, these lands would revert to the native vegetative communities found in Churchill County.

## **B. Proposed Action**

The sale of the properties to private individuals or entities is expected to result in some change in land use that would most likely disrupt the natural-succession process. Residential uses, which are anticipated to be the most likely, would induce more rapid revegetation, but the plant species would tend towards ornamental landscaping plants rather than native or desert shrub species.

More intensive land use changes may actually denude the properties of vegetation through the installation of more impervious surfaces, construction of larger buildings and other activities that would destroy or consume the existing vegetation.

Return to agricultural use on these properties would re-establish agricultural vegetation on the properties.

It is anticipated that under this alternative, the vegetative communities would be affected, but whether such effects are adverse or beneficial is dependent upon perspective. There are those who feel that re-establishment of agricultural vegetation or ornamental landscaping is a positive impact, while others feel the transition from farmland to native vegetation, over time, is a desirable transition for the Lahontan Valley ecosystem. Due to the small acreage involved under this alternative compared with the broader scale of the entire Lahontan Valley, these vegetative impacts would be considered minor or insignificant.

### **6.1.7. Wildlife**

#### **A. No Action**

Under this alternative these properties would continue to be utilized by wildlife species, primarily rodents and some passerine birds. Due to the lack of dense vegetation, size, fragmented patterns, and adjacent land uses, the value of these lands as a wildlife habitat is limited. The presence of gophers and other ground-dwelling pests on these properties would continue unabated.

#### **B. Proposed Action**

The sale of these properties is not expected to affect wildlife. Wildlife habitat provided by these properties is not extensive in terms of acreage or value. Changing the land use characteristics may displace some individuals, but would not significantly affect wildlife within the Lahontan Valley.

The re-establishment of irrigated crops on these properties does have the potential to provide greater wildlife benefit than other types of changes in land use. Farm fields provide foraging areas for birds of prey, cover for rodents and other small mammals, and food for passerine birds and waterfowl. Agricultural-related wildlife habitat in Churchill County is not a limiting habitat type within the Lahontan Valley.



Residential use could cause the most potential conflicts with wildlife. Domestic pets (cats and dogs) and the increased presence of humans are generally adverse to wildlife, but any effects are expected to be negligible.

#### **6.1.8. Endangered Species**

Neither of the alternatives would have any effect on federally-listed endangered species. There are no known threatened or endangered species within the affected area (Goddard, personal communication, 2009).

### **6.2. Socioeconomic Resources**

#### **6.2.1. Agricultural Products and Receipts**

##### **A. No Action**

Under this alternative, the consequences and economic impacts associated with taking agricultural land out of production as a result of acquiring water rights is an existing condition analyzed under the WRA EIS. The properties acquired incidental to the water rights acquisition program would remain in federal ownership and remain vacant or unused. These properties would not provide any new or increased agricultural economic activity for Churchill County.

The Service could potentially lease or allow temporary farming on some of the properties, as is the current situation with some of the lands. This temporary use would provide some agricultural economic activity, but such economic inputs would be short-term. There may actually be no net increase in production since the irrigation water used would merely be transferred from one place of use to another.

##### **B. Proposed Action**

There is the potential for the sale properties to have irrigation water transferred back on to the properties for agricultural use. Since the irrigation water would have to be moved from irrigated farmland in the Carson Division to these lands, there would be no net increase or gain in agricultural acreage in production.

One of the motivating factors in transferring irrigation water back onto these properties could be that the sale properties have superior physical characteristics that would make them more productive than other lands. In such cases there could be some increased benefit to agricultural production and agricultural economic activity in Churchill County.

Potentially, the lands to be sold could be used for other types of agricultural production such as livestock grazing, feedlots, or dairy operations. While these types of land uses are possible, the Service does not know whether such uses would be economically viable. If the sale lands were put into use by the new owners for such agriculturally-related purposes then there would be some increased benefit to agricultural production and agricultural economic activity.

There is insufficient information for the Service to quantify revenues, economic activity, or agricultural related employment that potentially could be generated by the sale of these properties. There is a potential for some level of increased activity and economic benefit to the agricultural sector of the local economy.

### **6.2.2. Income and Employment**

#### **A. No Action**

There would be no direct effect to the local economy as it relates to income and employment. There is no indication of any indirect effect to local income and employment either.

#### **B. Proposed Action**

The sale of the properties and the anticipated development or more intensive use of the lands could generate some increased level of economic activity within Churchill County. Residential development on these properties would most likely result in new or repair construction and the purchase of building materials and equipment. Residential development would create a demand for labor and increase the employment potential within Churchill County. Residential construction would be essentially a one-time increase in expenditures by the owner, but the overall increases would generate economic activity within Churchill County.

In rare situations where sales might ultimately result in industrial development or commercial use, there is the potential for new production and new jobs. This type of change in land use could generate revenues creating an overall increase in economic activity within Churchill County. Development of these properties is expected to provide beneficial impacts to the local economy. There is insufficient information to quantify the level of potential increase or benefit to the local economy.

### **6.2.3. Farmland and Prime Farmland**

#### **A. No Action**

Under this alternative the amount of farmland and prime farmland would not be affected and the existing conditions would continue to prevail. The properties would remain in federal ownership and they would continue to be vacant and unused.

## **B. Proposed Action**

There is the potential that the sale of these properties could result in the return of some lands into irrigated farmland or pastureland. Once in private ownership, new owners could transfer irrigation water onto these properties and create irrigated farmland. Such actions would not increase the total acreage of irrigated farmland within Churchill County since the irrigation water would have to be transferred from other irrigated farmland. If the properties were used for livestock pasture, feedlots, or dairy operations, these uses would be characterized as farmland and could also result in a net increase in farmland acreage within the county.

Prime farmland designation by NRCS could return to those lands where water is transferred back, provided the physical characteristics of the land meet the NRCS criteria for prime farmland. Otherwise these lands would be categorized as “of statewide importance” pursuant to the FPPA.

The Service does not anticipate that the acreage re-established as prime farmland will be very great as there may only be a few instances where it’s economically viable to return irrigation water back to the sale properties. The Service anticipates the majority of the lands to be sold will not be used for agricultural purposes.

### **6.2.4. Recreation**

#### **A. No Action**

These lands may continue to represent open space, but due to the rural nature and high percentage of public lands in Churchill County, open space is not in limited supply. Generally, the public would not have access to these lands and they would not provide recreational opportunities.

#### **B. Proposed Action**

The sale of these properties would put them in private ownership. Once privately owned, the nature of the properties is anticipated to change. Generally, it’s expected the properties would be developed or undergo more intensive land use than under the current conditions. While it’s unknown what types of use would ultimately occur on these lands, it’s possible they could be developed into some form of commercial recreational endeavor. The Service does not, however, anticipate that sale lands would provide many recreational opportunities.

### **6.2.5. Population Characteristics**

Neither of the alternatives evaluated would have an effect on the population characteristics of Churchill County. Regardless of the actions taken by the Service relative to these properties, the population characteristics of Churchill County would likely continue as they are under the existing conditions.

### **6.2.6. Land Use**

#### **A. No Action**

The Service's properties would continue to be vacant and unused.

#### **B. Proposed Action**

The properties to be sold would most likely undergo a change in land use as a result of returning to private ownership. The range of potential land use changes would be subject to existing zoning designations and the provisions of the Churchill County Master Plan. While feasibility and market demand would be the major driving force behind potential changes in land use, local government will have the capacity to control or direct future land uses on the properties to be sold.

### **6.2.7. Land Values**

#### **A. No Action**

Under the No Action alternative, the lands to be sold would remain in federal ownership and would not be available for private purchase. The supply of vacant land available for use or development near Fallon would be reduced, and prices for vacant land could increase. At present, however, there is little existing demand for vacant land within the project area; whether or not these federal lands are available for sale does not appear to be a factor in local land values.

#### **B. Proposed Action**

The sale of these properties on the open market could have an effect on land values. Since market value appraisals are based on comparison of previous sales of similar properties, the sale of these properties could influence future market-value determinations.

Since the minimum bids for land sales under all proposed sales methods will be based on appraisals of market value, it is anticipated the Service's land sales will reflect current land values rather than influence them.

### **6.2.8. Property Taxes and Refuge Revenue Sharing Payments**

#### **A. No Action**

Under this alternative the properties would remain in federal ownership and would not be subject to local or state property-tax collection. Federal revenue-sharing payments would continue to be paid by the Service for these properties.

## **B. Proposed Action**

The sale of these properties would put them back into private ownership and therefore subject to property-tax assessment. Depending upon the type of use made of the properties after they are disposed of there could be an increase in tax revenue generated from the properties over the revenues paid by the Service under the Refuge Revenue Sharing Act. There are some land uses that could occur on the properties to be sold, such as agricultural, that could actually generate less tax revenue than under existing conditions expected with No Action. Because the Service cannot determine the type of use that would occur on the properties once they are sold, there is no way to quantify potential increases or possible decreases in property tax revenues associated with the sale of these properties, but any changes are expected to be relatively small.

### **6.2.9. Municipal and Community Services**

#### **A. No Action**

There would be little demand for services associated with these properties.

#### **B. Proposed Action**

With the sale of these properties and the potential for denser development, there could be increased demand for municipal and community services. If the properties to be sold are subdivided and developed into residential parcels, then there will be increased demand for fire and police protection and local schools. Returning the properties to agriculture use would have little or no effect on municipal service demand. Industrial and commercial development could pose an increased demand for fire and police protection, but commercial properties are generally required to install on-property devices to protect against fire and theft or pay impact fees to offset any increased costs.

There could potentially be an increased demand for sewer or water service. Since all of the Service's current inventory is outside the City of Fallon, the Service does not anticipate any impacts to the city. The Service expects the majority of the sale properties would continue to be served by domestic wells and septic systems. Where the sale lands may be in a county service area, it's expected any increased need for community services will be mitigated through the development approval process and payment of impact fees.

### **6.2.10. Social Values**

#### **A. No Action**

There would be little or no effect on the social values on the community. Some members of the public might object to leaving these properties vacant and unused. Since Congress specifically authorized federal land sales in the Lahontan Valley, it is likely some or all of Nevada's elected federal officials would question a lack of action by the Service.

## **B. Proposed Action**

Sale of these properties, in itself, would not have any effects on social values in the affected area. The new uses that could potentially occur on these properties may affect the social values held by some of the people in the project area.

Increased residential development and land uses unrelated to agriculture would be a departure from the community values expressed by some of the people within the affected area. Since the transition from a rural agrarian community to a suburban community is already occurring, the relatively small acreage involved in the Service's proposed land sales program is not likely to make a measurable difference in the rate of change.

Conversion of federal properties to private ownership reflects a popular social value in Nevada and the Service's sales could be seen as a beneficial social impact for that reason alone.

### **6.2.11. Indian Trusts Assets**

#### **A. No Action**

Under this alternative, there is no expected effect to Indian trust assets.

#### **B. Proposed Action**

The Fallon Paiute-Shoshone Tribe would be eligible to purchase these properties from the Service through both competitive and non-competitive sales methods. Acquisition by the Tribe would not mean the acquired lands automatically become trust assets. The Tribe would have to request that the properties be taken into trust by the Secretary of the Interior, a separate action that would require additional analysis by the Bureau of Indian Affairs under NEPA and other applicable laws and regulations.

### **6.2.12. Cultural Resources**

#### **A. No Action**

The lands would remain in federal ownership and any cultural resources would continue to be afforded the protection of federal laws and regulations. This alternative would have no effect on cultural and historic resources.

#### **B. Proposed Action**

The sale of these properties would take them out of federal ownership, thereby potentially reducing the ability to protect any undiscovered or unidentified cultural resources from being disturbed or destroyed in the course of future land uses and development.

The majority of the lands involved in the sale program have previously been farmed or developed to some extent. If cultural resources exist on these properties they may already have been disturbed, destroyed or displaced as a result of farming or land development. None of the properties in the Service's current inventory have been identified as being eligible for the National Register of Historic Places or have features or sites that have been nominated.

Consistent with the National Historic Preservation Act and other federal laws and regulations pertaining to the protection of cultural resources, the Service will complete surveys and inventories of archeological and historic resources on all lands prior to sale. The Service will consult with the State Historic Preservation Office, and, as appropriate, may mitigate adverse effects to cultural resources that could result from the proposed land sales.

### 6.3. Summary of Impacts by Alternative

<b>Impacts</b>	<b>Alternative A No Action</b>	<b>Alternative B Proposed Action</b>
Geographic Area	No Impact	No Impact
Newlands Project & OCAP	No Impact	No Impact
Water Resources	No Impact	No Impact
Erosion & Weeds	Minor Adverse Impact	Minor Unknown Impact
Air Quality	Minor Adverse Impact	Minor Unknown Impact
Vegetation	No Impact	Minor Unknown Impact
Wildlife	No Impact	No Impact
Endangered Species	No Impact	No Impact
Agricultural Products and Receipts	No Impact	Minor Positive Impact
Income & Employment	No Impact	Minor Positive Impact
Farmland & Prime Farmlands	No Impact	Minor Positive Impact
Recreation	No Impact	Minor Positive Impact
Population Characteristics	No Impact	No Impact
Land Use	Minor Adverse Impact	Minor Positive Impact
Land Values	No Impact	No Impact
Property Taxes	No Impact	Minor Unknown Impact
Municipal & Community Services	No Impact	Minor Adverse Impact
Social Values	Minor Adverse Impact	Minor Positive Impact
Indian Trusts Assets	No Impact	Minor Positive Impact
Cultural Resources	No Impact	Minor Adverse Impact



## **7.0 Compliance**

### **7.1 Other Laws and Directives**

The proposed action is consistent with the following laws and directives:

Clean Air Act (42 U.S.C. 7401–7626).

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (U.S.C. Title 42).

Endangered Species Act of 1973 (16 U.S.C. 7).

Executive Order No. 11593. 1971. Protection of Historical, Archaeological, and Scientific Properties (36 FR 8921).

Executive Order No. 11988. 1977. Floodplain Management (42 FR 26951).

Executive Order No. 12372. 1982. Intergovernmental Review of Federal Programs (47 FR 30959).

Executive Order No. 12996. 1996. Management and General Public Use of the National Wildlife Refuge System (61 FR 13647).

Executive Order No. 11990. 1997. Protection of Wetlands (42 FR 26961).

Executive Order No. 13186. 2001. Responsibilities of Federal Agencies to Protect Migratory Birds (66 FR 3853).

Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251).

McKinney-Vento Homeless Assistance Act of 1986 (101 Stat. 482, 42 U.S.C. 11301).

National Environmental Policy Act of 1969, as amended. (42 U.S.C. 4321-4347).

National Historic Preservation Act of 1966, as amended. (16 U.S.C. 470).

Nevada Statute for Control of Noxious Weeds (49 N.R.S.555.010).

Operating Criteria and Procedures for the Newlands Reclamation Project, Nevada (43 CFR Part 418).

Public Law 97-98. Agriculture and Food Act of 1981 containing the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549. (95 Stat. 1320).

Public Law 101-618. Title I: Fallon Paiute Shoshone Tribal Settlement Act. Title II: Truckee-Carson-Pyramid Lake Water Settlement Act (104 Stat. 3289).

Public Law 105-277. Omnibus Consolidated and Emergency Appropriations for the Fiscal Year Ending September 30, 1999, and for Other Purposes (112 Stat. 2681).

Refuge Revenue Sharing Act (16 U.S.C. 715s).

U.S. Fish & Wildlife Service Director's Order No. 163. 2004. Delegation of Authority – Sales of Land Purchased Pursuant to Lahontan Valley Water Rights Acquisition Program, as amended use new manual designation FW033

U.S. Fish & Wildlife Service Manual. Environmental Quality. (Part 550)

## **7.2 Environmental Justice**

Executive Order 12898 (1994), “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” provides that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental justice programs promote the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information and educate affected communities.

EPA guidelines for evaluating potential adverse environmental effects of projects require specific identification of minority populations when a minority population either exceeds 50 percent of the population of the affected area or represents a meaningfully greater increment of the affected population than the population of some other appropriate geographic area.

## **8.0 List of Preparers**

Richard Grimes, Supervisory Realty Specialist, B.S. Business Administration, University of California, Berkeley, 1979. 14 years with the U.S. Fish and Wildlife Service acquiring land and water for Nevada and Southern California refuges.

Sylvia Nash, Realty Specialist, B.S. Business Administration, New Hampshire College, 1983. 7 years with the U.S. Fish and Wildlife Service acquiring land and water for Nevada and Southern California refuges.

Jim Parden, Appraiser and Senior Realty Specialist with the U.S. Fish and Wildlife Service from 1999 to 2007. Nevada Certified General Real Estate Appraiser. Candidate, American Society of Farm Managers and Rural Appraisers. Associate Member, Appraisal Institute.

## 9.0 Literature and Sources

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U.S. Department of Agriculture, National Agricultural Statistics Service, Census of Agriculture

U.S. Department of Agriculture, Natural Resource Conservation Service

U.S. Department of Commerce, Bureau of Economic Analysis

U. S. Department of Commerce, Census Bureau

U. S. Department of the Interior, Geological Survey

U.S. Environmental Protection Agency (EPA)

Nevada Department of Cultural Affairs, State Historic Preservation Office

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection

Nevada Department of Conservation and Natural Resources, Division of Water Resources

Nevada Department of Taxation, Demographer's Office

Churchill County Assessor's Office

Churchill County Board of Commissioners

Churchill County Planning Commission

## **Appendices**

<b>Appendix 1</b>	Current Inventory of Lands for Sale
<b>Appendix 2</b>	Location Maps
<b>Appendix 3</b>	Public Law 101-618 (excerpt)
<b>Appendix 4</b>	Public Law 105-277 (excerpt)
<b>Appendix 5</b>	Sample Sale Agreement
<b>Appendix 6</b>	Sample Quitclaim Deed

## **Appendix 1**

### **Current Inventory of Lands for Sale**

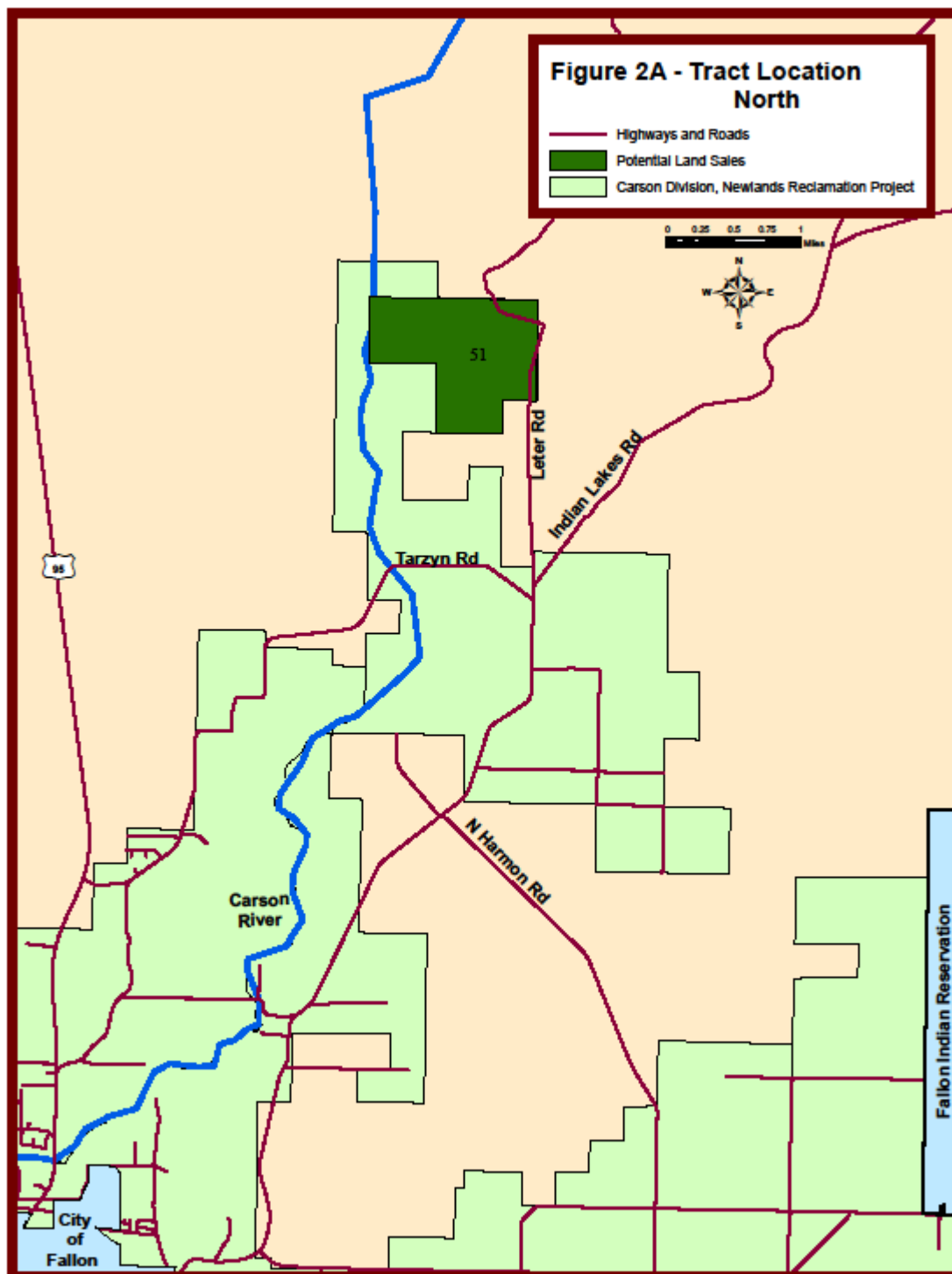
<b>TRACT NO.</b>	<b>ADDRESS</b>	<b>ASSESSOR'S PARCEL NO.</b>	<b>ACRES</b>	<b>ZONING</b>
<b>10</b>	Fitz Lane	9-231-15	201.79	A10
<b>16</b>	Souza Place	9-031-05	80.00	A10
<b>20e</b>	Stillwater Road	9-072-01	120.00	A10
<b>40</b>	Stillwater Road	9-072-06	80.00	A10
<b>46</b>	Jacobs Road	9-381-01	155.44	A10
<b>47c</b>	Reservation Road	9-071-27	66.54	A10
<b>48</b>	Portuguese Lane	9-031-15	147.86	A10
<b>51</b>	Leter Road	9-411-55	614.19	A10
<b>53a</b>	Rogers Road	6-771-52	20.20	A10
<b>53b</b>	Testolin Road	6-771-49	27.65	A10
<b>53c.d</b>	Testolin Road	6-771-59	43.25	A10
<b>55</b>	Triple E Lane	9-111-05	160.00	A10
<b>65</b>	Schurz Highway	6-051-02, 03, 04, 05, 06, 09, 12, 13 & 14	1405.54	A10
<b>66a</b>	Pasture Road	6-091-26	118.79	A10
<b>78</b>	Schurz Highway	6-011-02, 03 and 04	591.75	A10
<b>83</b>	Curry Road	6-541-09 and 10	320.00	A10
<b>85</b>	Stillwater Road	9-072-02	55.00	A10
<b>92</b>	Fitz Lane	9-071-04	114.00	A10
<b>98</b>	Portuguese Lane	9-031-31	76.26	A10
<b>124</b>	Schurz Highway	6-111-18	43.00	A10
<b>125</b>	Curry Road	6-541-37	60.75	A10
<b>137</b>	Schurz Highway	6-051-07	40.00	A10
<b>139</b>	Depp Road	6-871-09 & 21	72.46	A10
<b>140</b>	Allen Road	6-031-15	80.44	A10
<b>142</b>	Pasture Road	6-111-28	119.16	A10
<b>163</b>	Depp Road	6-081-02	165.64	A10

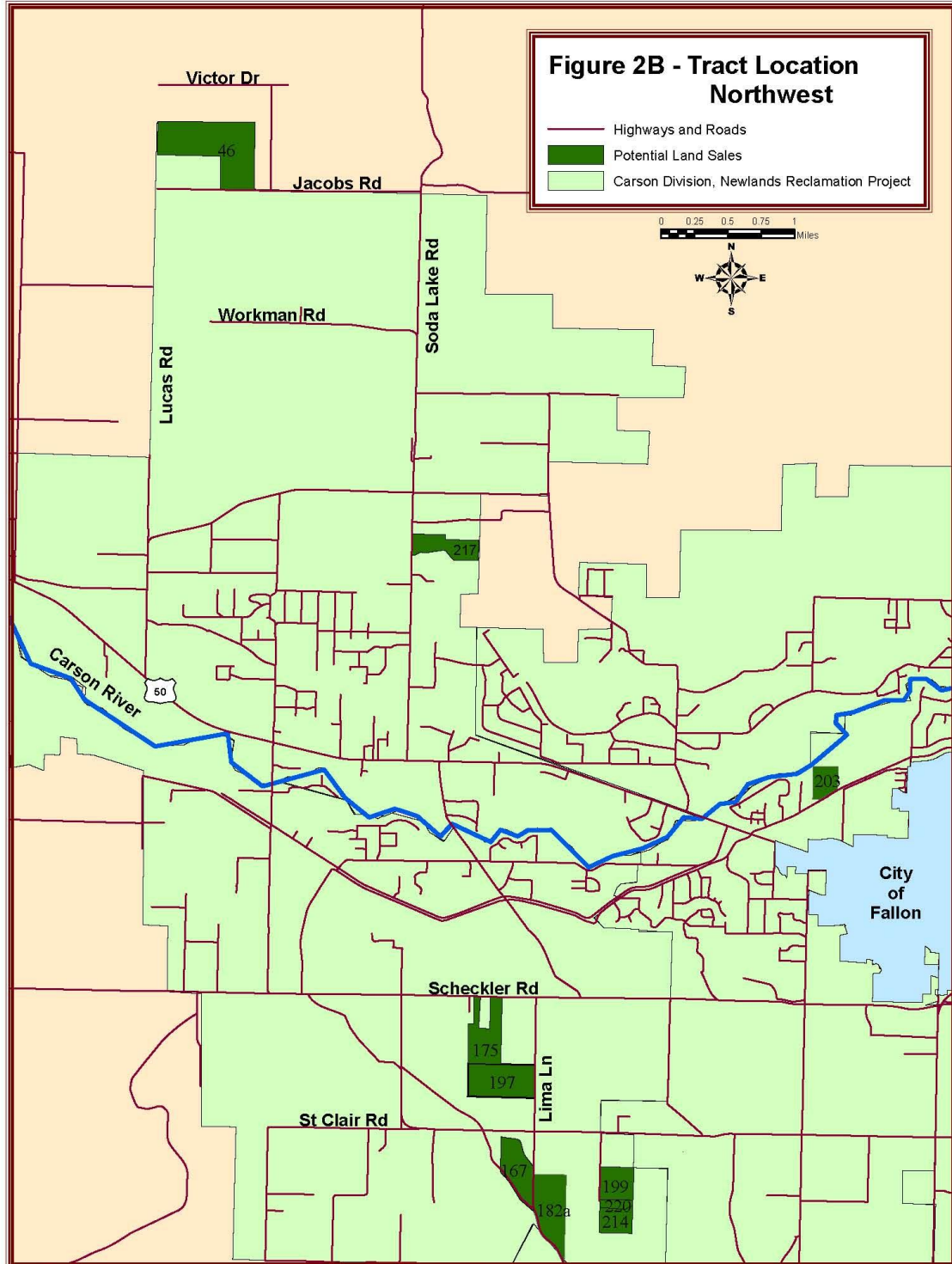


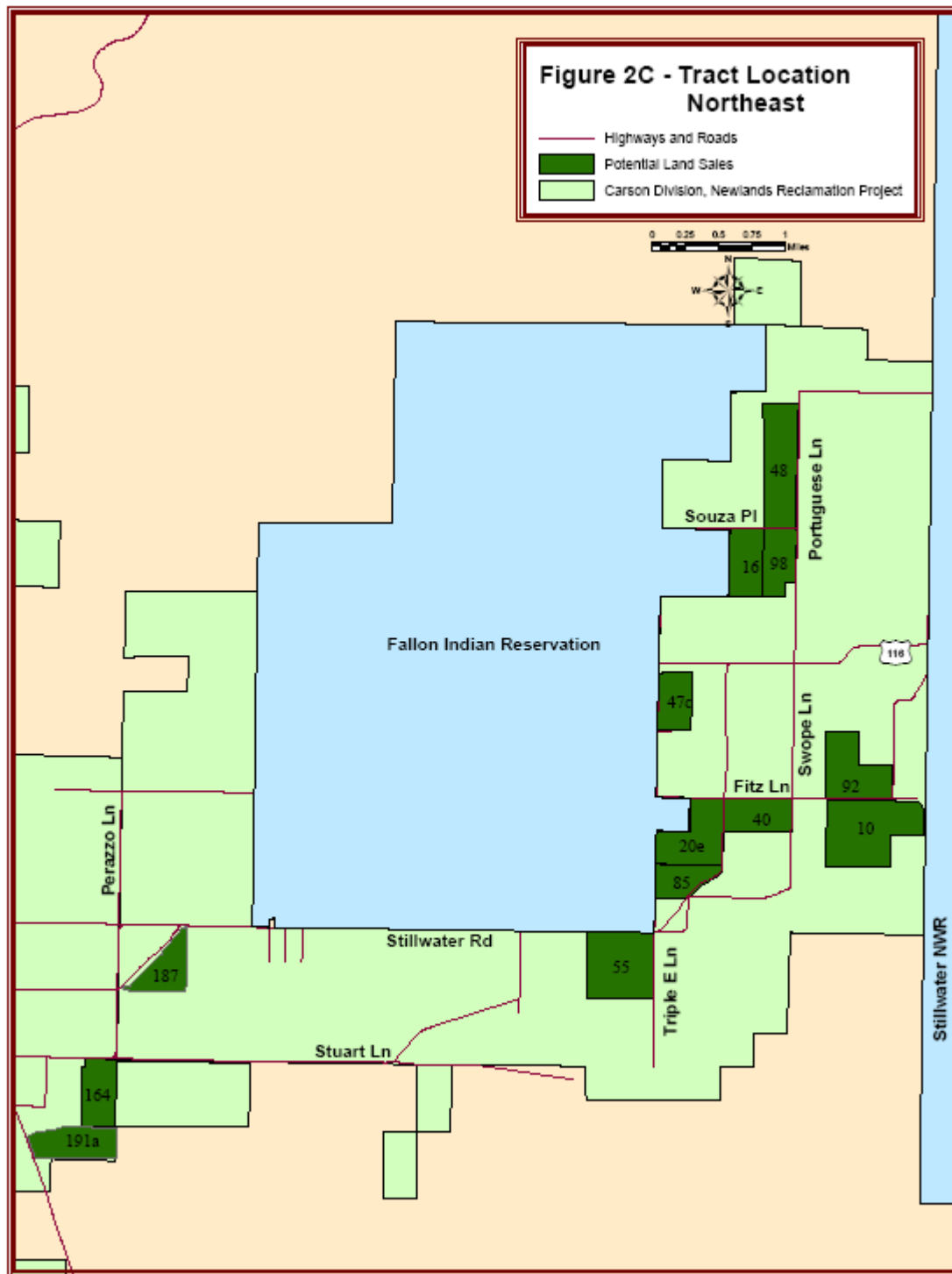
<b>TRACT NO.</b>	<b>ADDRESS</b>	<b>ASSESSOR'S PARCEL NO.</b>	<b>ACRES</b>	<b>ZONING</b>
<b>164</b>	Stillwater Road	7-951-01	76.00	A10
<b>167</b>	Lima Lane	6-311-02 & 24	56.03	A5
<b>175</b>	Sheckler Road	6-231-36	64.10	A5
<b>182a</b>	Lima Lane	6-331-02	34.74	A5
<b>184</b>	Benson Lane	7-911-19	40.00	A5
<b>187</b>	Stillwater Road	9-101-03	82.80	A10
<b>191a</b>	Austin Highway	7-932-12	97.00	A10
<b>191b</b>	Austin Highway	7-932-22, 23, 24, 25, 27 & 29	30.01	A5
<b>191c</b>	Austin Highway	7-932-34	39.31	A5
<b>197</b>	Lima Lane	6-231-39	80.42	A5
<b>198</b>	Benson Lane	6-631-25 thru 30	41.44	A5
<b>199</b>	Pflum Lane	6-331-10	40.00	A5
<b>203</b>	Coleman Road	8-301-12	26.21	R1
<b>214</b>	Pflum Lane	6-331-58	29.76	A5
<b>215</b>	Schurz Highway	6-091-87	157.35	A10
<b>217</b>	Soda Lake Road	8-121-55	45.49	A5
<b>220</b>	Pflum Lane	6-331-59	10.00	A10

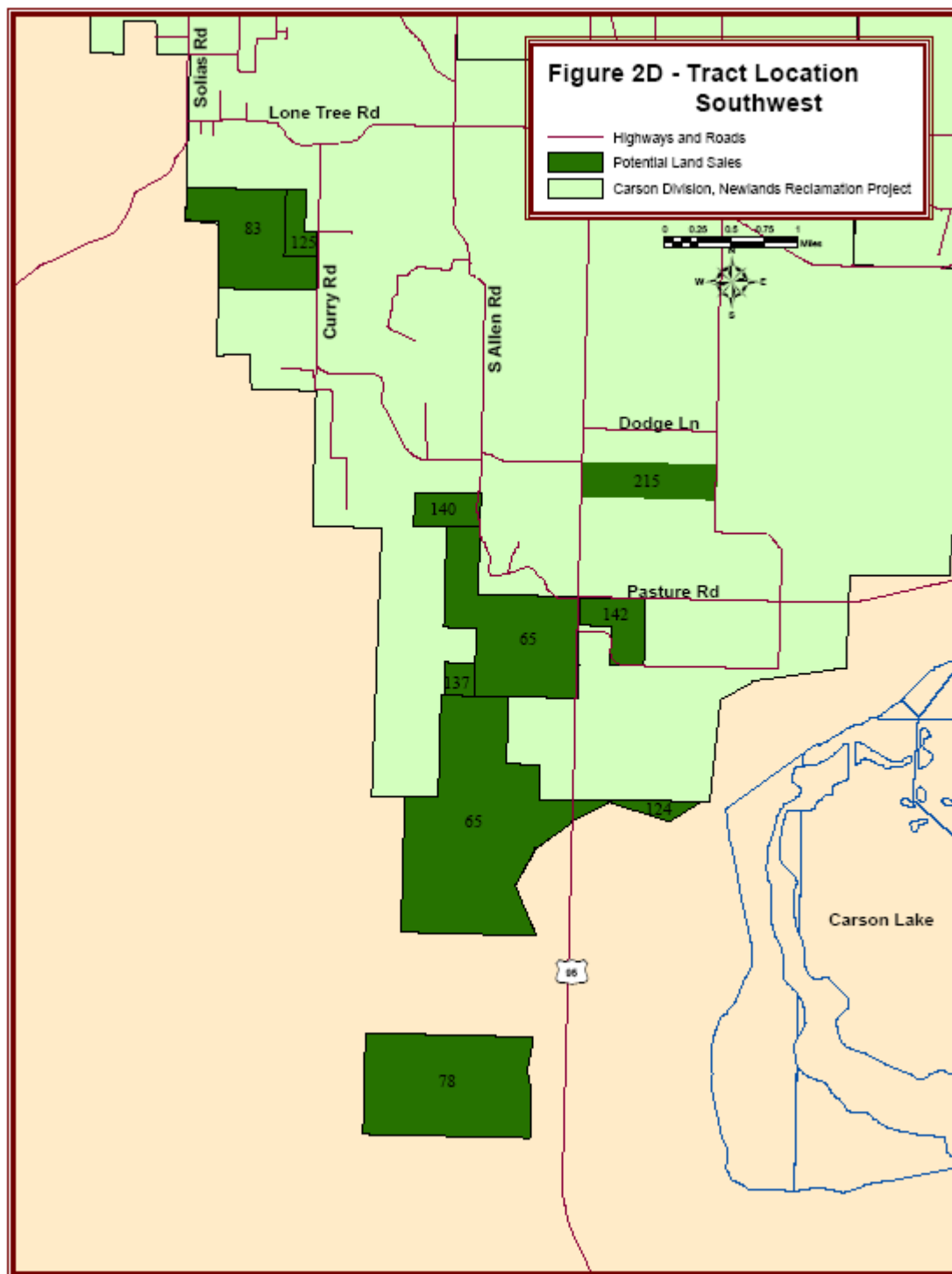
## **Appendix 2**

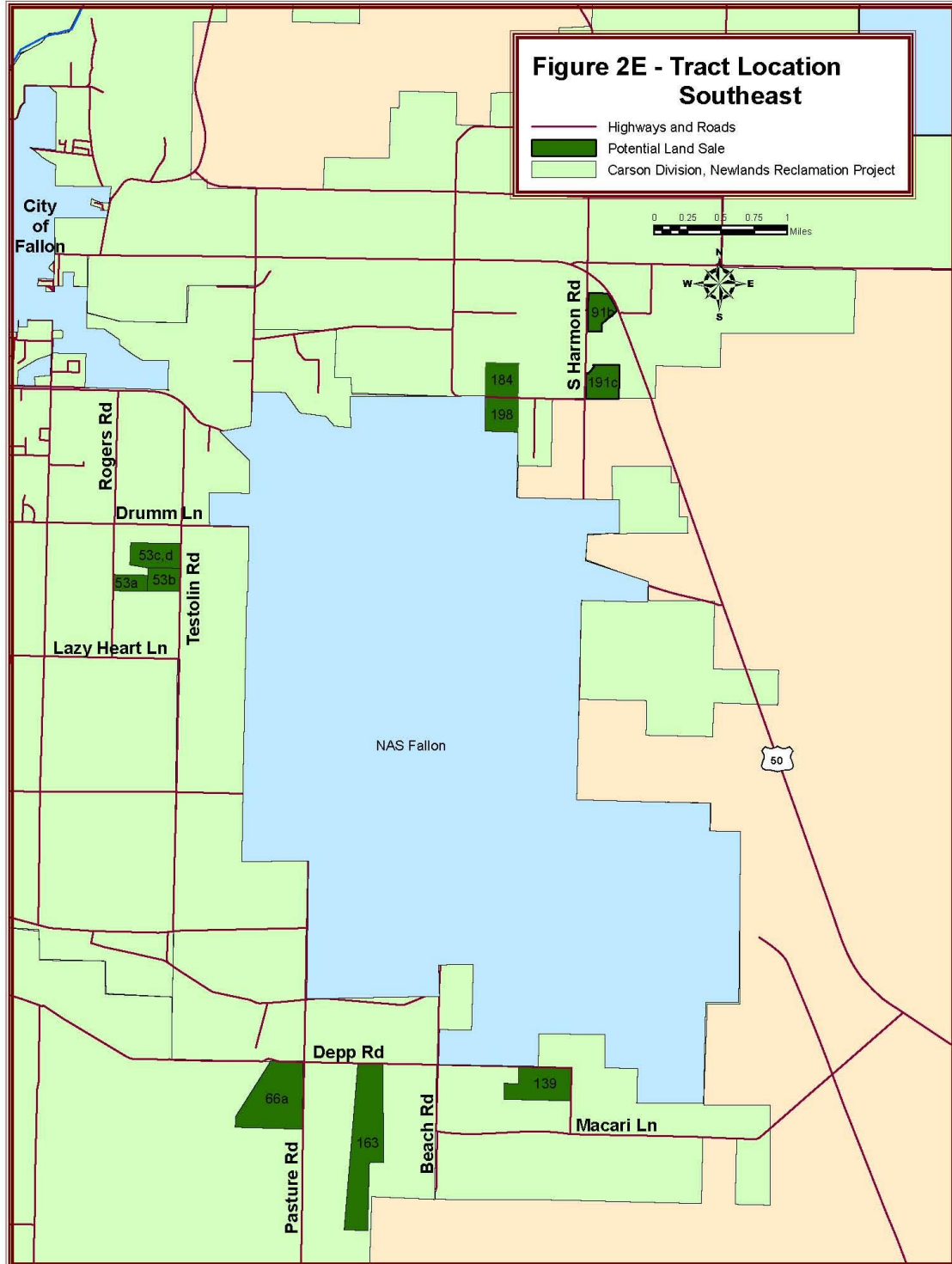
### **Location Maps**











## **Appendix 3**

### **Public Law 101-618 (excerpt)**



(E) the term "Secretary" means the Secretary of the Department of the Interior;

(F) the term "tribal members" means the enrolled members of the Fallon Paiute Shoshone Tribes; and

(G) the term "Tribe" means the Fallon Paiute-Shoshone Tribe.

Truckee-Carson-  
Pyramid Lake  
Water Rights  
Settlement Act.  
California.  
Fish.  
Wildlife.  
Business and  
industry.  
Irrigation.  
Recreation and  
recreation areas.

## TITLE II—TRUCKEE-CARSON-PYRAMID LAKE WATER SETTLEMENT

### SEC. 201. SHORT TITLE.

This title may be cited as the "Truckee-Carson-Pyramid Lake Water Rights Settlement Act".

### SEC. 202. PURPOSES.

The purposes of this title shall be to—

(a) provide for the equitable apportionment of the waters of the Truckee River, Carson River, and Lake Tahoe between the State of California and the State of Nevada;

(b) authorize modifications to the purposes and operation of certain Federal Reclamation project facilities to provide benefits to fish and wildlife, municipal, industrial, and irrigation users, and recreation;

(c) authorize acquisition of water rights for fish and wildlife;

(d) encourage settlement of litigation and claims;

(e) fulfill Federal trust obligations toward Indian tribes;

(f) fulfill the goals of the Endangered Species Act by promoting the enhancement and recovery of the Pyramid Lake fishery; and

(g) protect significant wetlands from further degradation and enhance the habitat of many species of wildlife which depend on those wetlands, and for other purposes.

### SEC. 203. DEFINITIONS.

For purposes of this title:

(a) the term "Alpine court" means the court having continuing jurisdiction over the Alpine decree;

(b) the term "Alpine decree" means the final decree of the United States District Court for the District of Nevada in United States of America v. Alpine Land and Reservoir Company, Civ. No. D-183, entered December 18, 1980, and any supplements thereto;

(c) the term "Carson River basin" means the area which naturally drains into the Carson River and its tributaries and into the Carson River Sink, but excluding the Humboldt River drainage area;

(d) the term "Fallon Tribe" means the Fallon Paiute-Shoshone Tribe;

(e) the term "Lahontan Valley wetlands" means wetland areas associated with the Stillwater National Wildlife Refuge, Stillwater Wildlife Management Area, Carson Lake and Pasture, and the Fallon Indian Reservation;

(f) the term "Lake Tahoe basin" means the drainage area naturally tributary to Lake Tahoe, including the lake, and including the Truckee River upstream of the intersection between the Truckee River and the western boundary of Section

43 USC  
614-614d.

Watasheamu site, together with other necessary works for impoundment, diversion, and delivery of water, generation and transmission of hydroelectric power, and drainage of lands as conferred to the Secretary in the Act of August 1, 1956, 70 Stat. 775, is hereby revoked.

SEC. 206. WETLANDS PROTECTION.

(a) AUTHORIZATION TO PURCHASE WATER RIGHTS.—

(1) The Secretary is authorized and directed, in conjunction with the State of Nevada and such other parties as may provide water and water rights for the purposes of this section, to acquire by purchase or other means water and water rights, with or without the lands to which such rights are appurtenant, and to transfer, hold, and exercise such water and water rights and related interests to sustain, on a long-term average, approximately 25,000 acres of primary wetland habitat within the Lahontan Valley wetlands in accordance with the following provisions of this subsection:

(A) water right acquired under this subsection shall, to the maximum extent practicable, be used for direct application to such wetlands and shall not be sold, exchanged, or otherwise disposed of except as provided by the National Wildlife Refuge Administration Act and for the benefit of fish and wildlife within the Lahontan Valley;

(B) the Secretary shall select from any water rights acquired pursuant to this subsection those water rights or portions thereof, if not all, that can be transferred to the wetlands referenced in this subsection consistent with subsection 209(b) of this title; and

(C) in implementing this subsection, the Secretary shall consult with the State of Nevada and affected interests. Those water rights or portions thereof, if not all, which the Secretary selects for transfer shall then be transferred in accordance with applicable court decrees and State law, and shall be used to apply water directly to wetlands. No water rights shall be purchased, however, unless the Secretary expects that the water rights can be so transferred and applied to direct use to a substantial degree.

(2) Acquisition of water rights and related interests pursuant to this subsection shall be subject to the following conditions:

(A) water right purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to such a purchase program;

(B) water rights acquired by the Secretary shall be managed by the Secretary after consultation with the State of Nevada and affected interests, except that any water rights acquired for Fallon Indian Reservation wetlands shall be managed by the Secretary in consultation with the Fallon Tribe; and

(C) prior to acquiring any water or water rights in the State of California for the Lahontan Valley wetlands, the Secretary shall first consult with the Governor of California and shall prepare a record of decision on the basis of such consultations.

(3) The Secretary is authorized to:

Records.

(A) use, modify, or extend, on a non-reimbursable basis, Federal water diversion, storage, and conveyance systems to deliver water to wetlands referenced in paragraph (a)(1) of this subsection, including the Fernley Wildlife Management Area;

(B) reimburse non-Federal entities for reasonable and customary costs for operation and maintenance of the Newlands Project associated with the delivery of water in carrying out the provisions of this subsection; and

(C) enter into renewable contracts for the payment of reasonable and customary costs for operation and maintenance of the Newlands Project associated with the delivery of water acquired by the Secretary to benefit the Lahontan Valley wetlands. The contracts shall be for a term not exceeding 40 years. Any such contract shall provide that upon the failure of the Secretary to pay such charges, the United States shall be liable for their payment and other costs provided for in applicable provisions of the contract, subject to the availability of appropriations.

(4) Consistent with fulfillment of this subsection and not as a precondition thereto, the Secretary shall study and report on the social, economic, and environmental effects of the water rights purchase program authorized by this subsection and the water management measures authorized by subsection 206(c). This study may be conducted in coordination with the studies authorized by paragraph 207(c)(5) and subsection 209(c) of this title, and shall be reported to the Committees on Energy and Natural Resources, Environment and Public Works, and Appropriations of the Senate, and the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Appropriations of the House of Representatives not later than three years after the date of enactment of this Act. Reports.

(b) EXPANSION OF STILLWATER NATIONAL WILDLIFE REFUGE.—

16 USC 668dd  
note.

(1) Notwithstanding any other provision of law, the Secretary shall manage approximately 77,520 acres of Federal land in the State of Nevada, as depicted upon a map entitled "Stillwater National Wildlife Refuge," dated July 16, 1990, and available for inspection in appropriate offices of the United States Fish and Wildlife Service, as a unit of the National Wildlife Refuge System.

(2) The lands identified in paragraph (1) of this subsection shall be known as the Stillwater National Wildlife Refuge and shall be managed by the Secretary through the United States Fish and Wildlife Service for the purposes of:

(A) maintaining and restoring natural biological diversity within the refuge;

(B) providing for the conservation and management of fish and wildlife and their habitats within the refuge;

(C) fulfilling the international treaty obligations of the United States with respect to fish and wildlife; and

(D) providing opportunities for scientific research, environmental education, and fish and wildlife oriented recreation.

(3) The Secretary shall administer all lands, waters, and interests therein transferred under this title in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended, except that any activity pro-

## **Appendix 4**

### **Public Law 105-277 (excerpt)**

\*Public Law 105-277  
105th Congress

An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998

[H.R. 4328]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. (a) For programs, projects or activities in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

Omnibus  
Consolidated and  
Emergency  
Supplemental  
Appropriations  
Act, 1999.

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 1999.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,836,000: *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

\*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

#### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28f(a) of title 30, United States Code, is amended by striking the first sentence and inserting, "The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 1999 through 2001, a claim maintenance fee of \$100 per claim or site."

Section 28f(d) of title 30, United States Code, is amended by adding the following new subsection at the end:

"(3) If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: (A) cure such defect or defects, or (B) pay the \$100 claim maintenance fee due for such period."

Section 28g of title 30, United States Code, is amended by striking "and before September 30, 1998" and inserting in lieu thereof "and before September 30, 2001".

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and



may be used by the Secretary of the Interior to administer the Fund.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 104 passenger motor vehicles, of which 89 are for replacement only (including 38 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56: *Provided further*, That hereafter the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101-618, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law: *Provided further*, That section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) is amended by inserting the words “until expended” after the word “Secretary” in the second sentence. 16 USC 1374.

#### TECHNICAL CORRECTIONS

##### Unit SC-03—

(1) The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in paragraph (2) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled “Amendments to the Coastal Barrier Resources System”, dated May 15, 1997, and on file with the Committee on Resources of the House of Representatives.

(2) The map described in this paragraph is the map that—

16 USC 3503  
note.

## **Appendix 5**

### **Sample Sale Agreement**



**United States Department of the Interior  
U.S. Fish and Wildlife Service**

**Agreement for the Sale of Land**

**WHEREAS**, the U.S. Fish and Wildlife Service is authorized pursuant to Pub. L. 105-277 (112 Stat. 2681-238) to sell lands and interests in lands acquired incidental to its Lahontan Valley water rights acquisition program; and,

**WHEREAS**, that authority has been delegated to the Regional Director, Pacific Southwest Region (033 FW 13);

**NOW, THEREFORE**, this agreement is made and entered into by and between \_\_\_\_\_, hereinafter styled the Buyer, for [himself, herself, itself, its members, managers, heirs, executors, administrators, successors, and assigns], and the UNITED STATES OF AMERICA acting by and through the Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service.

1. For the total consideration of \_\_\_\_\_ Dollars (\$000,000.00), to be paid in full, in cash by buyer, the United States of America agrees to sell to Buyer all that certain real property, situate and lying in the County of Churchill, State of Nevada, containing [ ] acres, more or less, described as follows:

**[Property Description]**

**EXCEPTING THEREFROM all surface water rights.**

2. Matters which may encumber, affect, limit or restrict the use of said land include existing rights of record for roads, utilities, public and private irrigation facilities, recorded covenants, conditions, restrictions and matters noted on parcel maps, records of survey or boundary line adjustment maps. Buyer agrees to accept title to said lands subject to all matters of record.

3. It is understood and agreed that the deed from the United States of America will expressly reserve to the United States, for administration by the U.S. Bureau of Reclamation and its assigns, all rights-of-way, easements, appurtenant structures and other interests for irrigation and related purposes as shown on the U.S. Bureau of Reclamation's Truckee-Carson Property and Structure Map for Section [ ], Township [ ] North, Range [ ] East, M.D.B.&M, on file with the Truckee-Carson Irrigation District. Buyer acknowledges receipt of a copy of said Property and Structure Map.

4. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company.

5. It is mutually understood and agreed that this contract shall not be assigned by Buyer in whole or in part without the consent in writing of the United States.

6. Buyer shall be solely responsible for payment of any applicable real property transfer taxes and recording fees, and, if desired by Buyer, escrow and title insurance fees.

7. The land to be conveyed under this agreement is in federal ownership and is currently exempt from real property taxes. Buyer acknowledges that, when Buyer's purchase is complete, said land will once again be subject to state and local property tax assessments.

8. Buyer acknowledges that the United States is selling said land **AS-IS**, and has made no warranties, either express or implied, as to the exact areas or boundaries, current allowed uses or development potential, habitability or utility of any existing improvements, or as to any other matter. Buyer acknowledges that it has inspected said lands, structures and other appurtenances, and expressly agrees to accept conveyance of said lands, structures and appurtenances in their current condition.

9. Buyer has paid \_\_\_\_\_ Dollars (\$00,000.00) as a non-refundable deposit that shall be applied towards the total purchase price, hereby acknowledged as received by the United States. The balance of the purchase price must be paid by certified or cashier's check on or before [\_\_\_\_\_, 2010]. When the final payment is made, the United States will deliver a quitclaim deed for the land described herein. Buyer expressly agrees that if Buyer does not complete the purchase of the lands as provided herein, then the United States shall retain the entire deposit of \_\_\_\_\_ Dollars (\$00,000.00) as liquidated damages.

**IN WITNESS WHEREOF**, Buyer and the United States of America have executed this agreement on the dates written, and this agreement shall become effective on the last date written.

\_\_\_\_\_  
[Buyer]

\_\_\_\_\_  
Date:

THE UNITED STATES OF AMERICA

\_\_\_\_\_  
Regional Director  
Pacific Southwest Region  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date:

## **Appendix 6**

### **Sample Quitclaim Deed**

APN [ ]

When recorded, mail to:

## Quitclaim Deed

The UNITED STATES OF AMERICA, by and through the U.S. Fish and Wildlife Service, in consideration of the sum of \_\_\_\_\_ Dollars (\$000,000.00), the receipt of which is hereby acknowledged, does by these presents remise, release and quitclaim unto \_\_\_\_\_, all that certain real property situate and lying in the County of Churchill, State of Nevada, containing \_\_\_\_\_ acres, more or less, described as follows:

### [Property Description]

**EXCEPTING THEREFROM all surface water rights.**

**RESERVING TO THE UNITED STATES OF AMERICA, for administration by the U.S. Bureau of Reclamation and its assigns, all rights-of-way, easements, structures and other interests for irrigation and related purposes as shown on the U.S. Bureau of Reclamation's Truckee-Carson Property and Structure Map for Section [ ], Township [ ] North, Range [ ] East, M.D.B.&M., on file with the Truckee-Carson Irrigation District.**

This deed is being executed pursuant to Public Law 105-277 (112 Stat. 2681-238) and delegation of authority to the Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service (033 FW 13).

IN WITNESS WHEREOF, I have hereunto executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

### THE UNITED STATES OF AMERICA

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Regional Director  
Pacific Southwest Region  
U.S. Fish and Wildlife Service

## Acknowledgment

State of California )  
County of \_\_\_\_\_)

On \_\_\_\_\_, 2010 before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)